

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN B. JOHNSON,

Plaintiff,

v.

PEOPLE OF CALIFORNIA,

Defendant.

Case No. 2:23-cv-02715-JDP (PC)

ORDER

DIRECTING THE CLERK OF COURT TO
RANDOMLY ASSIGN A DISTRICT JUDGE
TO THIS MATTER

FINDINGS AND RECOMMENDATIONS

THAT THIS ACTION BE DISMISSED
WITHOUT PREJUDICE FOR FAILURE TO
PAY THE REQUIRED FILING FEE AND
COMPLY WITH COURT ORDERS

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On November 29, 2023, I ordered plaintiff to submit, within thirty days, either the required filing fee or a complete application to proceed *in forma pauperis*. ECF No. 4. I also warned him that failure to comply with that order would result in a recommendation that this action be dismissed. *Id* at 2. After plaintiff did not respond, on January 24, 2024, I ordered him to show cause why this action should not be dismissed for failure to pay the filing fee, failure to prosecute, and failure to comply with court orders. ECF No. 5. I directed plaintiff to either pay the filing fee or submit a complete application to proceed *in forma pauperis* within twenty-one

1 days. *Id.* To date, plaintiff has not submitted the required filing fee nor otherwise responded to
2 the court's orders.

3 Accordingly, it is hereby ORDERED that the Clerk of Court shall randomly assign a
4 United States District Judge to this case.

5 Further, it is RECOMMENDED that this action be dismissed without prejudice for failure
6 to pay the required filing fee, failure to prosecute, and failure to comply with court orders.

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
9 after being served with these findings and recommendations, any party may file written
10 objections with the court and serve a copy on all parties. Such a document should be captioned
11 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
12 objections shall be served and filed within fourteen days after service of the objections. The
13 parties are advised that failure to file objections within the specified time may waive the right to
14 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
15 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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17 IT IS SO ORDERED.

18 Dated: May 2, 2024

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20 JEREMY D. PETERSON
21 UNITED STATES MAGISTRATE JUDGE
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